

REMARKS

By the present amendment claims 1 and 2 have been amended and claims 3 and 7 have been cancelled. Following entry of this amendment claims 1, 2, 4-6, and 8-11 remain in the application with claims 1, 2, and 4 being in independent form.

The Examiner objected to claim 2 because of the informality in line 4 of the word “siad” which should be “said”. By the present amendment this informality has been corrected thus this objection is overcome. The Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(e) as being anticipated by Stripe (6,287,508). The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Stripe in view of Obsomer (4,499,045). Finally, the Examiner indicated claim 3 as being objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In addition, the Examiner indicated claims 4-6 and 8-11 were allowed.

By the present amendment claim 3 has been incorporated into claim 1 thus the rejection of claim 1 under 35 U.S.C. § 102(e) based on Stripe is overcome and should be withdrawn.

The rejection of claim 7 is moot in view of the cancellation of claim 7 by the present amendment.

Rejection of a claim under 35 U.S.C. § 102 requires that each and every element of the rejected claim be found in a single reference, if even a single limitation is not found within the cited reference the rejection of the claim under 35 U.S.C. § 102 is improper and must be

withdrawn. Claim 2 of the present application is directed to a method for producing a flexion resin hose comprising as a first step allowing a high temperature fluid to flow into a hose made of thermal plastic resin to thereby heat said hose, a second step of restricting the flow of said high temperature fluid downstream of said hose to pressurize an interior of said hose, a third step of bending said heated hose, and a fourth step of allowing a cold temperature fluid into said hose to thereby cool and harden said hose.

The method of Stripe is disclosed in the abstract and more specifically in column 5, lines 34-41. In this section it is stated:

“Heated fluid, maintained at an elevated temperature sufficient to soften the tubular preformed 22 to a state where it is easily formable, is circulated by pump 38 from a reservoir 40 via conduit 42 through arm 54 of switching valve 44 in coupling member 24, and into the interior of the tubular preform 22, out through coupling member 26 and arm; 64 of switching valve 68 where it is then circulated through conduit 70 back to reservoir 40.”

Stripe fails to disclose the second step required in claim 2 of the present invention which includes the limitation of “a second step of restricting the flow of said high temperature fluid downstream of said hose to pressurize an interior of said hose”. In the system disclosed in Stripe the hot fluid and the cold fluid are constantly recirculated by their respective pumps through the preformed 22 and into the reservoir 60 or 40. Thus, because independent claim 2 includes limitations not disclosed in the cited reference the rejection of this claim under 35 U.S.C. § 102(e) based on Stripe is improper and must be withdrawn.

Applicant's attorney respectfully submits that the claims as amended are now in condition for allowance and respectfully requests such allowance.

Respectfully submitted,

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March 19, 2004
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